

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PETITION FOR REVIVAL COVER SHEET

September 27, 2005

Attention: PCT Legal Administrator
Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, BA 22313-1450

Sir:

Transmitted herewith for filing is the petition for revival of:

FIRST NAMED INVENTOR: Stanishlaw J. Wierzbicki

TITLE: SOCK PEG

INTERNATIONAL APPLICATION NO.: PCT/AU03/01135

INTERNATIONAL FILING DATE: 09/04/2003

APPLICATION NO.: 10/526,910

AGENT DOCKET NO.: AP049-05

Enclosed are:

- ☒ Transmittal Form
- ☒ Petition for Revival of an International Application for Patent Designating the U.S.
Abandoned Unintentionally under 37 CFR 1.137(b)
- ☒ Petition Fee \$ 750.00. Applicant is/are entitled to small entity status.
- ☒ Copy of Notice of Abandonment
- ☒ Express Mail Certificate
- ☒ Return Receipt Postcard

From:

David A. Guerra, Reg. No. 46,443
933 Oleander Way South, Suite 4
South Pasadena, FL 33707
(727) 345-1450 FAX (727) 345-8442
e-mail: dguerra@washpat.com

10/18/2005 07:03:00 10/18/2005 07:03:00
FL 10/18/2005 07:03:00 10/18/2005 07:03:00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

EXPRESS MAIL CERTIFICATE

"Express Mail" label number: EO 912 949 503 US

Date of Deposit: 09/27/2005

I hereby certify that the following attached papers and fee:

- Cover Sheet
- Transmittal Form
- Petition for Revival of an International Application for Patent Designating the U.S.
Abandoned Unintentionally under 37 CFR 1.137(b)
- Cheque for \$750.00
- Return Receipt Postcard

are being deposited with the United States Postal Service under "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to:

Attention: PCT Legal Administrator
Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, BA 22313-1450



Signature of Person Mailing Correspondence


David A. Guerra, Reg. No. 46,443, Customer No. 29,689


Typed or Printed Name of Person Mailing Correspondence

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

| | | |
|---|----------------------|------------------------------------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 10/526,910 |
| | Filing Date | |
| | First Named Inventor | Stanishlaw J. Wiersbicki |
| | Art Unit | |
| | Examiner Name | |
| Total Number of Pages in This Submission | 8 | Attorney Docket Number AP049-05 |

| ENCLOSURES (Check all that apply) | | |
|---|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1) Petition Cover Sheet 2) Reply to Notice of Abandonment 3) Express Mailing Certificate 4) Return Receipt Postcard |
| Remarks | | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | | | |
|--|---|----------|--------|
| Firm Name | | | |
| Signature |  | | |
| Printed name | David A. Guerra | | |
| Date | 09/27/2005 | Reg. No. | 46,443 |

| CERTIFICATE OF TRANSMISSION/MAILING | | | |
|---|---|------|------------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: | | | |
| Signature |  | | |
| Typed or printed name | David A. Guerra | Date | 09/27/2005 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Rec'd PTO/PTO

27 SEP 2005

PTO/SB/17 (12-04v2)

Approved through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**FEE TRANSMITTAL
For FY 2005**☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 750.00

Complete if Known

| | |
|----------------------|--------------------------|
| Application Number | 10/526,910 |
| Filing Date | |
| First Named Inventor | Stanishlaw J. Wierzbicki |
| Examiner Name | |
| Art Unit | |
| Attorney Docket No. | AP049-05 |

METHOD OF PAYMENT (check all that apply)☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____☐ Deposit Account Deposit Account Number: _____ Deposit Account Name: _____

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee☐ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☐ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| Application Type | FILING FEES | | SEARCH FEES | | EXAMINATION FEES | | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
| | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | |
| Utility | 300 | 150 | 500 | 250 | 200 | 100 | |
| Design | 200 | 100 | 100 | 50 | 130 | 65 | |
| Plant | 200 | 100 | 300 | 150 | 160 | 80 | |
| Reissue | 300 | 150 | 500 | 250 | 600 | 300 | |
| Provisional | 200 | 100 | 0 | 0 | 0 | 0 | |

2. EXCESS CLAIM FEES

| Fee Description | Fee (\$) | Small Entity Fee (\$) |
|--|---------------------|-----------------------|
| Each claim over 20 (including Reissues) | 50 | 25 |
| Each independent claim over 3 (including Reissues) | 200 | 100 |
| Multiple dependent claims | 360 | 180 |
| Total Claims | Extra Claims | Fee (\$) |
| - 20 or HP = _____ x _____ = _____ | | |
| HP = highest number of total claims paid for, if greater than 20. | | |
| Indep. Claims | Extra Claims | Fee (\$) |
| - 3 or HP = _____ x _____ = _____ | | |
| HP = highest number of independent claims paid for, if greater than 3. | | |

| |
|----------------------------------|
| Multiple Dependent Claims |
| Fee (\$) |
| Fee Paid (\$) |

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| | | | | |
|---------------|--------------|--|----------|---------------|
| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) |
| - 100 = _____ | / 50 = _____ | (round up to a whole number) x _____ | = _____ | |

4. OTHER FEE(S)


Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Petition for revival unintentional

Fees Paid (\$)

750.00

SUBMITTED BY

| | | | |
|-------------------|---|--|--------------------------|
| Signature |  | Registration No. (Attorney/Agent) 46,443 | Telephone (727) 345-1450 |
| Name (Print/Type) | David A. Guerra | Date | 09/27/2005 |

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Rec'd PCT/PTO

27 SEP 2005



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
|-----------------------------|-------------------------|------------------|
| 10/526,910 | Stanishlaw J Wierzbicki | AP049-05 |

INTERNATIONAL APPLICATION NO.

PCT/AU03/01135

I.A. FILING DATE

PRIORITY DATE

09/04/2003

29689

DAVID A. GUERRA

933 OLANDER WAY SOUTH, SUITE 3

SOUTH PASADENA, FL 33707

CONFIRMATION NO. 7844

371

ABANDONMENT/TERMINATION
LETTER

OC000000017045512

Date Mailed: 09/19/2005

NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to provide the Copy of the International Application by 30 months (37 CFR 1.495(b)(1)).

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)

#3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

FRIST NAMED INVENTOR: Stanishlaw J. Wierzbickie

INTERNATIONAL APPLICATION NO.: PCT/AU03/01135

INTERNATIONAL FILING DATE: 09/04/2003

APPLICATION NO.: 10/526,910

FILING OR 371(c) DATE:

TITLE: SOCK PEG

GROUP ART UNIT:

EXAMINER:

RECEIVED
18 OCT 2005
Legal Staff
International Division

RESPONSE TO NOTIFICATION OF ABANDONMENT

September 26, 2005

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

PCT Legal Administrator:

This response is submitted in conjunction with a copy of the NOTIFICATION OF ABANDONMENT UNDER 35 U.S.C 371 and 37 CFR 1.495 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US):

In response to the NOTIFICATION OF ABANDONMENT dated **09/19/2005**, the following remarks are respectfully submitted in connection with above-identified application:

REMARKS

The Applicant appreciates the courteous and complete examination of the application by the PCT Legal Staff. In view of the following remarks and the petition for revival of an international application for patent designating the U.S. abandoned under 37 CFR 1.137(b), a reconsideration of the instant application is respectfully requested.

The NOTIFICATION OF ABANDONMENT indicated that the Applicant has failed to provide the Copy of the International Application by 30 months (37 CFR 1.495(b)(1)). The national phase entry of the above-identified application under 35 U.S.C. 371 was unintentionally filed without the copy of the international application by the 30th month. This filing error was done without any deceptive intent.

With the above reply being fully responsive to all formal requirements, it is respectfully submitted that this petition is now complete, and acceptance of the application is earnestly solicited. Should the PCT Legal Staff feel that there are further issues which might be resolved by means of telephone interview, the PCT Legal Staff is cordially invited to telephone the undersigned at 727-345-1450.

Respectfully Submitted,



David A. Guerra, Reg. 46,443

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

On (Date) 9/27/2005 by David A. Guerra 